

OTHER AGENCIES

PUBLIC EMPLOYMENT RELATIONS COMMISSION

Payroll Deduction Determination-Representation Fees

Readoption: N.J.A.C. 19:19

Proposed: January 7, 2008 at 40 N.J.R. 108(a)

Adopted: March 27, 2008 by the Public Employment Relations
Commission, Lawrence Henderson, Chairman

Filed: March 28, 2008 as R. _____ without change.

Authorized By: Public Employment Relations Commission,
Lawrence Henderson, Chairman

Authority: N.J.S.A. 34:13A-5.9.

Effective Date: March 28, 2008

Expiration Date: March 28, 2013

Summary of Public Comments and Agency Responses:

Comments were submitted by the following interested persons and organizations:

1. New Jersey Education Association by its Executive
Director, Vincent Giordano (Written comments).

2. Morris Council No. 6, NJCSA, IFPTE, AFL-CIO (Council 6)
by Craig S. Gumpel, Esq., of the law firm of Fox and Fox, LLP
(Written comments).

3. Raymond Cassetta, a management consultant (comments made
via e-mail).

COMMENT: The New Jersey Education Association urges that the Commission readopt N.J.A.C. 19:19 without modifications. It states that it has found that the "process, procedures and intent of representation fee procedures works well.

RESPONSE: The Commission thanks the New Jersey Education Association for its supportive comments.

COMMENT: Morris Council No. 6, NJCSA, IFPTE, AFL-CIO supports the proposed readoption of N.J.A.C. 19:19. Its comments trace the history of the legislation adopted in 2002 authorizing majority representatives to secure the right to collect representation fees in accordance with the statute and its implementing regulations in situations where a public employer will not agree to implement a representation fee system through collective negotiations. Council 6 notes that it has successfully used the payroll deduction determination statute and these rules to secure the right to collect representation fees in five collective negotiations units of public employees. It urges that the Commission readopt these rules.

RESPONSE: The Commission thanks Morris Council No. 6, NJCSA, IFPTE, AFL-CIO for its supportive comments.

COMMENT: Raymond Cassetta, a management consultant, sent an e-mail supporting the readoption of N.J.A.C. 19:19.

RESPONSE: The Commission thanks Mr. Cassetta for his supportive comments.

Federal Standards Statement

The National Labor Relations Act excludes "any State or political subdivision thereof." See 29 U.S.C. §152(2). No Federal law or regulation applies and the Commission cannot rely upon a comparable Federal rule or standard to achieve the aims of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. The rules proposed for readoption are thus necessary and proper.

Full text of the readopted rules may be found in the New Jersey Administrative Code at N.J.A.C. 19:19.